 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 4 Employment		
Responding to a Subpoena Policy	Effective date	Revised
Number: 4.09	April 30, 2007	January 23, 2012

This subpoena policy informs employees of the Department of Natural Resources how to respond when served with a subpoena related to their work at the department.

REFERENCES

RSMo. 491.090 – 491.130. Summons of witnesses – procedure – consequences of failure to appear
RSMo. 536.077. Subpoenas, issuance – form – how served – how enforced
Missouri Supreme Court Rules: 57.03, 57.09, 58.01, 58.02

Other DNR policies

Conduct and Ethics 1.01
Leave with Pay 5.01
Expense Accounts 7.01

DEFINITIONS

Subpoena: a written legal order summoning a person to appear before a court or similar deliberative body. A subpoena may also command a person to bring specified documents to the appearance (referred to as a *subpoena duces tecum*).

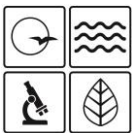
Expert witness: a specialist in a subject who presents an opinion without having observed or been a part of any occurrence relating to the lawsuit or criminal action.

GENERAL PROVISIONS

Subpoenas are court orders which typically must be followed. Department employees shall not interfere with any appropriate attempts to properly serve subpoenas on department employees. Any employee who receives a subpoena related to their work at the Department of Natural Resources must immediately contact his/her supervisor and the General Counsel's Office to determine the proper course of action. Where documents are requested, the employee should also contact the department's Custodian of Records.

Unless a decision is made to challenge the subpoena or alternate arrangements are made with the requesting party, the subpoenaed employee must take action necessary to ensure compliance with the subpoena.

A subpoena should generally be served at least seven days prior to the appearance date, along with monetary compensation according to state and federal law for daily attendance

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and mileage. These fees may not cover the entire cost of compliance with the subpoena. Any fees received in connection with a work-related subpoena must be forwarded to appropriate personnel for deposit into the department's fund account from which the employee will be paid. The employee may request reimbursement for expenses incurred in complying with the subpoena, such as mileage, meals or lodging, through the normal Expense Account Policy (7.01).

Time spent responding to a subpoena related to work at the department is coded as work time. If you no longer work with the program/section/unit related to the subpoena, consult with your supervisor as to how to appropriately code your time. If an employee is subpoenaed concerning events not related to work at the department, approved annual leave or compensatory time must be taken.

If an employee of the department is asked to testify as an expert witness, it may be considered outside employment subject to the procedures outlined in Conduct and Ethics (1.01) and require advance permission for outside employment.